THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.25534 OF 2006

Between:

Mohammed Allauddin

……..Petitioner

vs.

1) The Joint Secretary (CVP) & The Chief Passport Officer, CVP Division, Ministry of External Affairs, Patiala House Annexxee, Tilak Marg, New Delhi
2) The Regional Passport Officer, Office of theRegional Passport Authority for A.P., External Affairs Ministry, Government of India at Secunderabad.

……..Respondents.

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THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.25534 OF 2006

O R D E R:

This writ petition is filed seeking a declaration that the action of the second respondent in not considering the request of the petitioner for correction of date of birth in his passport as arbitrary and illegal.

The petitioner was issued a passport, dated 06.10.2000, which was valid up to 05.10.2010. It is stated that in the said passport, his date of birth is wrongly mentioned as 22.08.1972 instead of 2-08-1977. In the circumstances, the petitioner approached the second respondent and requested to correct the date of birth in his passport on the basis of the SSC marks memo, in which, his date of birth is shown as 22.08.1977.

The second respondent did not consider the request of the petitioner and the petitioner was orally informed that unless there is Civil Court Decree, the entries in the passport cannot be made. Hence, this writ petition.

I have heard the learned Counsel for the petitioner.

Despite notice, the respondents did not choose to appear.

It is to be noted that the Government of India, Ministry of External Affairs, issued a circular, dated 18.04.2001, which reads as under:

> "(a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the

correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority, i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth".

Having considered the above circular, this Court in **Ali imran v. Regional passport Officer, Secunderabad**[1] held that as per the circular dated 18.04.2001, it is permissible to accept the application for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission, the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad**[2]**.**

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's** case (1 supra), the Writ Petition is disposed of granting liberty to the petitioner to make a fresh application with relevant material to substantiate his plea, within a period of two weeks from the date of receipt of a copy of this order, and if any such application is made, the respondents are directed to receive and consider the same in accordance with the Circular dated

18-04-2001 and pass appropriate orders in accordance with law and communicate the same to the petitioner within a period of four weeks thereafter.

The Writ Petition is accordingly disposed of. No costs.

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G.ROHINI J.,

Dt.08.06.2007

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[1]) 2003 (3) ALD 625

[2]) 2004 (6) ALD 360